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Attorney for BENJAMIN SARGISSON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,) No. 2:22-16 DJC
Plaintiff,)
) AMENDED STIPULATION AND
v.) ORDER TO STATUS CONFERENCE
)
BENJAMIN SARGISSON,) Requested date: 9-28-2023
Defendant,) Time: 9:00 a.m.
) Judge: Hon. Daniel J. Calabretta
=====)	

It is hereby stipulated between the parties, James Conolly, Assistant United States Attorney, and Michael Long, attorney for defendant BENJAMIN SARGISSON that the status conference set for June 22, 2023, at 9:00 a.m. should be continued and re-set for September 28 2023, at 9:00 a.m.

The parties further agree that this court should make a finding of good cause for the requested extension and that in fact good cause is hereby shown. The government has provided discovery to the defense, including audio and video recordings. Mr. Long continues to read, view and listen to the discovery, investigate the case, order records from county courts and meet with his client. Mr. Long is obtaining county court records from past convictions, and they are needed to represent Mr. Sargisson effectively. Counsel believes that failure to grant the above-requested continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Counsel for the United States does not oppose this requested continuance.

1 All parties are available to appear in this case on September 28, 2023.

2 Each party further stipulates that the ends of justice served by granting such continuance
3 outweigh the best interests of the public and of all the defendants in a speedy trial. Time has already
4 been excluded through June 22, 2023.
5

6 All parties request the date of September 28, 2023, at 9:00 a.m., for the new status hearing.
7 The request for extending the date for the status conference is at the specific request the defendant
8 and with the knowing, intelligent and voluntary waiver of the defendant's speedy trial rights under
9 the law. Good cause is hereby shown.
10

11 For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
12 within which trial must commence, the time period from the present date through September 28,
13 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
14 T4] because it results from a continuance granted by the Court at defendants' request on the basis
15 of the Court's finding that the ends of justice served by taking such action outweigh the best
16 interest of the public and the defendant in a speedy trial.
17

18 Dated: June 15, 2023

Respectfully submitted,

19 /s/ Michael D. Long
20 MICHAEL D. LONG
21 Attorney for Benjamin Sargisson

22 Dated: June 15, 2023

PHILLIP A. TALBERT
United States Attorney

24 /s/ James Conolly
25 JAMES CONOLLY
26 Assistant U.S. Attorney
27
28

ORDER

GOOD CAUSE APPEARING AND HAVING BEEN SHOWN, IT IS SO ORDERED.

The date for the status hearing in this matter is hereby re-set for September 28, 2023, at 9:00 a.m., before District Court Judge Daniel J. Calabretta.

For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period from the present date through September 28, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. Time is hereby excluded through the new hearing date of September 28, 2023.

Dated: June 16, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE